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2008 JUN 10 PM 3:02
RICHARD W. WILSON
CLERK
U.S. DISTRICT COURT
NO. DIST. OF CAL.

1 Ivan Vernord Cleveland
P.O. Box 689
2 Soledad, CA. 93960-0689
CDC ID#: H-60545
3 Pro se.
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7 NC

8 UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 In re Ivan Vernord CLEVELAND, No. C 07 2807 JF (PR)

11 Plaintiff,

12 vs.

13 Ben CURRY, Warden et., al.,

14 Defendant.

THERE IS NO MATERIAL DISPUTE OF
FACTS: MOTION FOR FINANCIAL RELIEF.
AND SANCTIONS.

15 On April 28, 2008 Plaintiff filed a Opposition to defendants
16 dispositive. There was a Court order that stated that defendants must
17 file a Summary Judgement to be completed on or before May 15, 2008.
18 In the case against c/o Abanico Plaintiff has obtain a attorney by the
19 name of Dennis Cunningham. The Plaintiff would like to respectfully re-
20 mind the Court of the true facts on defendants K. Sather (Chief Dental
21 Officer), and T. Crawford Senior Librarian. Defendants have failed to
22 reply to the Court order. We are now in the month of June, Plaintiff
23 has given defendants more then enough time to answer and reply to the
24 Court order. The Plaintiff in this case has shown evidence to support
25 his allegations to be true through the medium of records, documents,
26 exhibits, concrete objects etc. The The prison Officials at Correct-
27 ional Training Facility "Have Not" supported their policies with facts.
28 Also attorney for defendants made a false statement by implying in

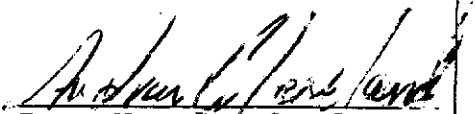
1 their opposition that Plaintiff never complained or filed against re-
 2 taliation. Plaintiff filed in this court against retaliation, and also
 3 sent attorneys for defendants a copy. (See Exhibit A).

4 Official must support their policie with facts, not conjecture
 5 of conclusory assertions. [Walker v. Summer], 917 F.2d 382 (9th Cir.
 6 1990). Defendant K. Sather clearly violated Plaintiffs "eighth Amend-
 7 ment" right by acting with deliberate indifference to his dental care
 8 and treatment. Defendant T. Crawford violated Plaintiffs fourteenth
 9 amendment right to the access to the court by denying Plaintiff law
 10 library access. Resulting in his missing a legal court deadline in
 11 the United States Supreme Court. Defendants have failed to reply to a
 12 Court order and in doing so they have clearly failed to defend against
 13 the claims that have been brought against them by Plaintiff.

14 "Under the Rules of Civil Procedures" when a party against whom
 15 a judgement for affirmative relief is sought has failed to plead (ie.
 16 answer) or otherwise defend the party in question is in default, and
 17 judgement by default may and should be entered by the clerk of court.
 18 [Fed.R.Civil p. 55]. Plaintiff ask the court for this motion for con-
 19 ference for Financial Relief be set 30 days from the date concerning
 20 these defendants. There were no material dispute of facts by the de-
 21 fendants. Motion should be granted for this reason and also by de-
 22 fault due to none reply by defendants on or before the date of May
 23 15, 2008.

24 RESPECTFULLY SUBMITTED.

25 Dated: June 9, 2008.


 Ivan V. Cleveland
 CDC ID#: H-60545

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EXHIBIT A

1 Ivan Vernord Cleveland
 2 P. O. Box 689
 3 S9ledad, California.
 4 Zip. 93960-0689

5 United States District Court
 6 Northern District of California

7 In re Ivan Vernord Cleveland,
 8 (Petitioner)

9 v.

10 Ben Curry, (Warden) (A) et al.
 11 (Defendants)

Case No. C 07-2809 JF (PR)

MOTION AGAINST RETALIATION ON
 PLAINTIFF AND PLAINTIFF'S
"WITNESSES."

12 On 1-30-08, approximately 7:50 A.M. petitioner was informed by his
 13 building Officer that He was to report to one Lt." Vasquez. When arriving
 14 to "Lt. 'Vasquez"s" office she was holding two letters that petitioner had
 15 mailed out on (1-29-08). One of the letters were addressed to (A.C.L.U.)
 16 of Southern California. Letter two was addressed to an Organization by the
 17 name of "TIPS". See Exhibit "A". Petitioner's letters were opened and read
 18 by C.D.C.R. Staff, which is prison policy. Lt. Vasquez, threatened petitioner
 19 that if he mailed the two letters in their original wording that not only
 20 would he himself be put in the Hole which is ISOLATION, but also all of his
 21 WITNESSES.

22 Petitioner would like to respectfully advise the Honorable Judge: Fogel,
 23 that he has at least twenty witnesses; in the case against defendant;
 24 Abanico. Petitioner was then taken to a Metal Cage; where he was stripped
 25 of his clothes and searched and forced to stay in this cage for more than
 26 one hour. The cage is so small that it is impossible to sit down. After
 27 being forced to endure this humiliation for at least a hour and a half, he
 28 was told to go to his cell. Until further notice or after Lt. Vasquez, spoke

1 with one Captain: Geurra. Petitioner was placed on cell-lock-down. After
 2 two more hours Lt. Vasquez, informed petitioner that unless he changed the
 3 wording of his letters before mailing them out; not only him, but his
 4 witnesses as well would go to the hole. The petitioner's constitutional
 5 rights are clearly being violated. In way of "SCARED TACTICS," harrassment.
 6 UNECESSARY BODY AND CELL SEARCHES. The petitioner's "Fourth Amendment" right
 7 was also violated. Prisoner is to be free from Unreasonable Searches, or
 8 Seizure of Property. Which also includes the protection of the (Eighth
 9 Amendment), against Cruel and Unusual Punishment.

10 "Petitioner's Due Process was clearly violAted" (Official's are not
 11 suppose to restrict anyones right to "Courts or Lawyers", or punish or take
 12 away your property or ones liberty; even "within Prison"; without fair
 13 procedures. The (A.C.L.U.) are indeed an organization which provides legal
 14 "assistance" and "Attorney's".

15 "Retaliation occurs when prison officials punishes prisoners because
 16 prisoners has exercised his or her "Constitutional Right" Haff v. Cooke,
 17 (923 F.Supp. 1104).

18 "Also, a prison cannot punish you for complaining, or to keep you from
 19 filing a "Lawsuit." Allab v. Seiverling, 229 F.3d 220 (3d Cir. 2000).

20 The petitioner in this case would ask that the Court / Judge to grant a
 21 Motion. An order of Injunction against C.D.C.R. for retaliation, Harrassment,
 22 from all staff. For IMPEDING "OUT GOING MAIL" and "INCOMING MAIL." Petitioner
 23 will be also providing proof of allegation of sexual-misconduct on the
 24 Defendant: Officer: Abanico"; by way of witnesses of misconduct or victims;
 25 again would respectfully ask the Honorable Judge: Fogel, to grant this
 26 Motion against any type of harrasment; which includes wrongful transfer's
 27 due to the exercising their constitutional rights by testifying in behalf
 28 of petitioner.

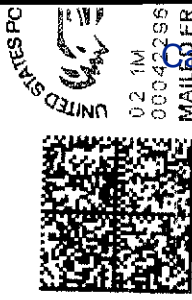
1 The petitioner has not mailed the letters out; due to the fact that he
2 does not want for him, or his witnesses to be harassed by way of "ISOLATION"
3 or wrongful-transfer. The petitioner is only asking that his rights
4 according to the constitution be respected and that he be treated fairly.
5 This is the reason why these Motion's should be granted against anytype of
6 retaliation by C.D.C.R.

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9 DATE:

Respectfully submitted,

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11 Ivan Vernord Cleveland
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Mr. Ivan Cleveland-H-60345
C. Wing - 256-1
P.O. Box 689
Salinas, CA 93960-0689



ORIGINAL

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